

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-38 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

#### **Allowable Subject Matter**

It is gratefully acknowledged that the Examiner considers the subject matter of claims 6, 12, 15, 16, 20, 33 and 34 as being allowable if rewritten in independent form. Applicants have not yet rewritten these claims in independent form since it is believed the independent claims from which they depend are allowable.

#### **Rejection under 35 U.S.C. § 112**

Claims 2, 3, 11, 13 and 31 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed.

In regard to claim 2, the Examiner points out that the “preferably” limitations are indefinite. By way of the present Amendment, these limitations have been removed and re-established in dependent claims 37 and 38. Accordingly, this rejection is overcome.

Claim 3 was only rejected as being dependent on claim 2. Accordingly, this rejection is also overcome.

In regard to claim 11, the Examiner objected to the phrase “such as” by way of the present Amendment Applicants have changed this feature to “one of”. In regard to claim 13, the Examiner objected to term “optionally”. This word has now been removed rendering this rejection moot.

In regard to claim 31, the Examiner objected to the use of “and/or”. By way of the present Amendment, Applicants have removed this language and inserted proper Markush group language. Accordingly, this rejection is overcome.

**Rejection under 35 U.S.C. § 103**

Claims 1-5, 7-11, 13, 14, 17-19, 21-32, 35 and 36 stand rejected under 35 U.S.C. § 103 as being obvious over Hardesty (U.S. Patent 6,005,513). This rejection is respectfully traversed.

In regard to the independent claims, the Examiner states that Hardesty shows a method and system for determining a track record of a moving object by determining at least one characteristic property to the object and receiving at least three GPS-coordinates, storing the coordinates data in a storage means, utilizing the three coordinates for determining at least one characteristic property of the moving object and thereby obtaining a track record. The Examiner states that it would have been obvious to modify a utilization of the record data to create user information as is known.

Applicants disagree with the Examiner’s application of the Hardesty reference to the present claims. It should be remembered that Hardesty deals with a positioning and tracking system for aircrafts having real-time guidance feedback and archiving capability. This differs from the present invention which relates to a system for determining a track record of a moving object, by determining at least one characteristic property. On page 6 of the application, the track record is described. A predetermined upper and lower limit of at least one characteristic property is defined mainly for the track record. Thus, the track record of the moving object may be based on the data that exceeds predetermined limits such as velocity, acceleration or perpendicular acceleration. The track record may also include information relating to the position of the

vehicle. These limits may be used as a warning signal indicating when the object is driven to fast or when the acceleration is too large.

Thus, the present invention relates to how a vehicle is operated and uses GPS-coordinates and other variables associated with the vehicle, but is not used to determine the three-dimensional position of an airplane using GPS coordinates as is done in Hardesty.

Thus, the Hardesty device is used in aircraft testing and is based on X, Y, Z and ground reference vector velocity information in real-time. This differs from the present invention which is based on collecting positional data such as latitude and longitude height and time from the moving object in order to calculate other moving characteristics afterwards. There is no collection of velocity vectors for any of the present invention. There also is no differential correction which is based on relative calculation between successive measurements of positions and therefore is not sensitive to error in the absolute precision of the moving object which does not change drastically over a period of a few seconds.

The Hardesty patent focuses on the differential corrections from the ground station which was considered more accurate than the available DGPS and the means of transferring the corrections between ground station and the airplane. Benefits of the system are the guidance cues for the pilots.

The resultant track records and characteristics of the moving object in the present invention are obtained by post processing to collect the data and is therefore not usable as real-time guidance to control an airplane. The information on the other hand is useful to monitor and teach better driving habits or at least to maneuver moving objects. Thus, there is no teaching in the Hardesty patent of using GPS-coordinates in combination with perpendicular acceleration to

create information regarding how a vehicle is operated such as a moving manner or performing a velocity comparison with a velocity database which includes information about upper level velocity limits in certain areas. In view of this, Applicants submits that the Hardesty patent does not teach the present invention. It is further noted that while the Examiner states that Hardesty anticipates perpendicular acceleration, there is no mention of using the perpendicular acceleration for calculating in the Hardesty patent.

Independent claims 1 and 26 describe the obtaining of the track record and the use of the track record data to create user information. Applicants submit that these claims are allowable over Hardesty as discussed above.

Claims 2-25 and 27-36 depend on these allowable independent claims and as such are also considered to be allowable. In addition, each of these claims recite other features that make them additionally allowable. In particular, the Examiner has already indicated the allowability of claims 6-12, 15, 16, 20, 33 and 34.

Conclusion


In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse, Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By   
Joe McKinney Muncy  
Registration No.: 32,334  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant